

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ILEANIRYS GUZMAN,

Plaintiff,

v.

M & M CREDIT,

Defendant.

Hon. Robert Holmes Bell

Case No. 1:15-cv-00419-RHB-PJG

REPORT AND RECOMMENDATION

This case involves alleged violations of the Fair Credit Reporting Act. Plaintiff is *pro se*. The case was removed from the 61st District Court on April 20, 2015. (ECF No. 1). On April 27, 2015, defendant filed a motion to dismiss for failure to state a claim, pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 5). During a July 13, 2015, hearing on the motion it became apparent that the best interests of justice would be served by granting plaintiff's request to amend her complaint. Defendant did not object to the amendment. Accordingly, on July 14, 2015, the Court issued an order dismissing defendant's Rule 12(b)(6) motion as moot, and directing plaintiff to file her amended complaint within thirty days of that order. (ECF No. 11).

On April 4, 2016, seven months past the deadline for filing the amended complaint, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute. (ECF No. 12). The Court gave plaintiff fourteen days to respond to the show-cause order, warning her that **"failure to timely file this explanation will result in the dismissal of this case."** (ECF No. 12, PageID.25) (emphasis in original). That deadline has now passed without any action on the part of plaintiff.

Accordingly, the undersigned judicial officer recommends that the Honorable Robert Holmes Bell dismiss this case, without prejudice, for failure to prosecute. *See* FED. R. CIV. P. 41(b); *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 362-63 (6th Cir. 1999).

Date: April 27, 2016

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge

NOTICE TO PARTIES

Any objections to this Report and Recommendation must be filed and served within fourteen days of service of this notice on you. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). All objections and responses to objections are governed by W.D. MICH. LCIVR 72.3(b). Failure to file timely and specific objections may constitute a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012); *United States v. Branch*, 537 F.3d 582, 587 (6th Cir. 2008). General objections do not suffice. *See McClanahan v. Comm’r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596-97 (6th Cir. 2006).